



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to add the regulation described in the Informative Digest after considering public comments, objections, or recommendations regarding the proposed actions.

##### I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend CalPERS Board of Administration regulations to conform CalPERS standard procurements and contracts to existing CalPERS regulations regarding placement agent disclosure in investment contracting. 2 CCR 559 was added January 28, 2011, to implement Government Code Section 7513.85, which requires the Board to develop and implement a policy requiring the disclosure of payments to placement agents in connection with CalPERS investments in or through external managers. The proposed addition of section 559.1 conforms nearly all CalPERS procurements and contracts to similar, although more general, disclosure requirements.

##### II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5 p.m., February 14, 2012. The Regulations Coordinator must receive all written comments by close of the comment period. Comments may be submitted via fax at (916) 795-4607; email at the following address: [Christina\\_nutley@calpers.ca.gov](mailto:Christina_nutley@calpers.ca.gov); or mail to the following address:

Christina Nutley, Regulations Coordinator  
California Public Employees' Retirement System  
P.O. Box 942707  
Sacramento, California 94229-2707  
Telephone: (916) 795-2397

##### III. PUBLIC HEARING

A public hearing regarding this proposed regulatory action has not been scheduled. Pursuant to Government Code section 11346.8, any interested person or his or her duly authorized representative may submit, in writing, a request to hold a public hearing no later than 15 days prior to the close of the written comment period. Such requests must be received by CalPERS no later than 5 p.m., Monday, January 30, 2012. If scheduled, notice of the time, date, and place of the requested public hearing will be provided to every person who has filed a request for notice with CalPERS.

##### IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

##### V. AUTHORITY AND REFERENCE

CalPERS authority to add the proposed amendment to the California Code of Regulations derives from the CalPERS Board of Administration's plenary authority and fiduciary responsibility over the assets of the public retirement system, pursuant to the California Constitution (Section 17 of Article XVI) and the Public Employees' Retirement Law (PERL) (California Government Code Title 2, Division 5, Part 3), including Government Code sections 20120 and 20121. Proposed section 559.1 implements, interprets, and makes more specific Government Code sections 20151, 20152.5 and 20153.

##### VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that no public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. (Government Code § 87100.) A public official has a financial interest in a decision if it is reasonably foreseeable the decision will have a material financial effect on the official or a member of his or her family, business, real property, source of income, or gift donor. (Government Code § 87103.)

The PERL also places various ethics requirements on Board members and CalPERS employees vis-à-vis the administration of the retirement system. Government Code section 20151 requires that the Board, its officers and employees discharge their duties with the respect to

the system solely in the interests of participants and beneficiaries. Section 20152.5 requires vendors and contractors to disclose campaign contributions and gifts prior to any closed-session discussions regarding matters related to the vendor or contractor. Finally, section 20153 prohibits communication between the Board and its staff and officers or employees of any party financially interested in the contract during the process leading to an award of any contract.

In Fall 2009, Assembly Bill 1584 was passed by the Legislature and signed into law by the Governor. This Assembly Bill added Government Code section 7513.85, which required the California Public Employees' Retirement System (CalPERS) to adopt a policy by June 30, 2010, requiring the disclosure of payments to placement agents in connection with CalPERS' investments with external managers. On January 28, 2011, title 2, California Code of Regulations section 559, was approved by the Office of Administrative Law and made effective upon filing. The proposed regulation at issue in this Notice extends those requirements to CalPERS general procurement and contracting process.

Proposed section 559.1 will add transparency to CalPERS general procurement and contracting process by requiring the disclosure of the existence of a relationship between CalPERS, the entity seeking to do business with CalPERS, and Agents, as defined, and the fees paid to these Agents. The proposed regulation will help ensure CalPERS procurement and contracting decisions are consistent with CalPERS fiduciary responsibilities and other ethical obligations; will provide additional information to CalPERS Board members, staff and consultants when evaluating a contracting opportunity; and help prevent impropriety and the appearance of impropriety in the procurement and contracting processes.

## VII. EFFECT ON SMALL BUSINESS

Small businesses that are in the placement agent or other agent-related businesses may be impacted by this proposed regulation, as contractors will be required to disclose relationships with such businesses. The impacts are reasonable given public policy concerns related to placement agents, agent-related fees, the increased cost of contracts due to those fees, and the potential for conflicts of interest and undue influence on CalPERS procurement and contracting process.

## VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.

- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impose costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states. Any and all businesses responding to solicitations or contracting with CalPERS, regardless of location, will be subject to the same requirements.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** The CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect.

## IX. CONSIDERATION OF ALTERNATIVES

CalPERS considered alternatives to this proposed regulatory action, including implementing these requirements on a case-by-case basis through the contracting process, and implementing the requirements as a Board policy. However, CalPERS determined that based on the requirements of the Administrative Procedure Act and the Board's intent to apply these provisions to all procurements and contracts at CalPERS, as well as the needs addressed by the addition of section 559.1, there are no reasonable alternatives that would be as effective and less burdensome to affected private persons than the proposed action.



The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above-mentioned hearing or during the written comment period.

## X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Micki Winsett Gibbs, Staff Counsel  
California Public Employees' Retirement System  
P.O. Box 942707  
Sacramento, California 94229-2707  
Telephone: (916) 795-3675

Please direct requests concerning processing of this regulatory action to Christina Nutley, Regulations Coordinator, at (916) 795-2397 or Christina\_Nutley@calpers.ca.gov.

## XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, the Initial Statement of Reasons (ISR). A copy of the proposed text and the ISR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons (FSR) can be obtained, once it has been prepared, by written request to Christina Nutley, Regulations Coordinator, at the address shown in Section II.

## XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed amendment to the regulation after the public comment period has closed. It may amend CCR section 559.1, if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at

the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

## XIII. WEBSITE

One can access the regulatory material regarding this action at [www.calpers.ca.gov](http://www.calpers.ca.gov); *About CalPERS*; *Legislation, Regulations, and Statutes*; *Regulatory Actions*; *Current Regulatory Actions*.

# TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

## NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below in the Informative Digest after considering public comments, objections, or recommendations.

### I. PROPOSED REGULATORY ACTION

In this filing, the proposed amendment to California Code of Regulations section 554.4 will increase the number of words allowed in the California Public Employees' Retirement System (CalPERS) Board of Administration candidate statement and addendum.

### II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on **December 30, 2011** and closing on **February 13, 2012 at 5:00 p.m.** The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax to (916) 795-4607; e-mail to Christina\_Nutley@calpers.ca.gov; or mailed to the following address:

Christina Nutley, Regulations Coordinator  
California Public Employees' Retirement System  
P.O. Box 942702  
Sacramento, California 94229-2702  
Telephone: (916) 795-2397

### III. PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

February 14, 2012  
8:30 a.m.  
California Public Employees' Retirement System  
Lincoln Plaza North, Auditorium  
400 Q St.  
Sacramento, California 95811

#### IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

#### V. AUTHORITY AND REFERENCE

The Board has an authority to take regulatory action pursuant to Government Code section 20121. The proposal interprets and makes specific reference to Government Code section 20096.

#### VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the election procedures developed by the CalPERS Board of Administration.

Government Code section 20096 requires the Board of Administration to distribute and collect ballots for the election of its members and to develop election procedures.

The proposed amendment to section 554.4 would increase the maximum number of words allowed in the candidate statement and addendum. These changes would afford more flexibility to candidates in designing their statements to voters.

#### VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to the California Public Employees' Retirement Law.

#### VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.

- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500, et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** The CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect.

#### IX. CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

#### X. CONTACT PERSON

Please direct inquiries concerning the processing or substance of the proposed regulatory action to:

Christina Nutley, Regulations Coordinator  
 California Public Employees' Retirement System  
 P.O. Box 942702  
 Sacramento, CA 94229-2702  
 Telephone: (916) 795-2397  
 E-mail: Christina\_Nutley@CalPERS.ca.gov

## TITLE 2. FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM

### NOTICE OF INTENTION TO ADOPT A CONFLICT-OF-INTEREST CODE OF THE FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT)

#### XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Christina Nutley, Regulations Coordinator, at the address shown in Section II.

#### XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed regulations after the public comment period has closed. It may amend the proposed regulations as modified, if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

#### XIII. WEBSITE

One can access the regulatory material regarding this action at CalPERS' website <http://www.calpers.ca.gov/index.jsp?bc=/about/leg-reg-statutes/regulatory/current/home.xml>.

NOTICE IS HEREBY GIVEN that the Fiscal Crisis and Management Assistance Team, pursuant to the authority vested in it by section 87300 of the Government Code, proposes its Conflict-of-Interest Code.

The Fiscal Crisis and Management Assistance Team proposes to adopt its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure categories is available.

FCMAT provides management assistance to school and community college districts, county superintendents of schools and charter schools and works with districts that have received state loans in times of fiscal crisis. Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than February 15, 2012, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than January 31, 2012, by contacting the Contact Person set forth below.

The Fiscal Crisis and Management Assistance Team has determined that the proposed code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries should be directed to:

Frank J. Fekete  
1300 17<sup>th</sup> Street, Bakersfield, CA 93301  
661-345-2321; email [frfekete@kern.org](mailto:frfekete@kern.org)

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

#### Notice of Proposed Rulemaking

The Department of Food and Agriculture proposes to amend Section 3436(b) of the regulations in Title 3 of the California Code Regulations pertaining to *Bactrocera albistrigata* Interior Quarantine.

#### PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [lrains@cdfa.ca.gov](mailto:lrains@cdfa.ca.gov). The written comment period closes at **5:00 p.m. on February 13, 2012**. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Lindsay Rains  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street Room 210  
Sacramento, CA 95814  
[lrains@cdfa.ca.gov](mailto:lrains@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

#### AUTHORITY AND REFERENCE

Food and Agricultural Code Sections 407, 5301, 5302, and 5322 authorize the Department to amend these regulations. The proposed revisions are to a regulation that interprets and makes specific Sections 5301, 5302, and 5322 of the Food and Agricultural Code.

#### INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Existing law provides that the Secretary may establish, maintain and enforce quarantine regulations, as he deems necessary to protect California's agricultural industry and to circumscribe and exterminate or prevent the spread of pests. (Food and Agricultural Code Sections 407, 5301, 5302 and 5322).

Existing Section 3436 provides that an interior quarantine exists against *Bactrocera albistrigata*, sets forth the area under quarantine and restricts the movement of hosts and possible carriers of the pest from the area under quarantine within California.

The proposed amendment of Section 3436(b) will remove the quarantine area of La Verne, located in Los Angeles and San Bernardino counties. The effect of the proposed action will be to remove the authority for the State to regulate the movement of hosts and possible carriers of *Bactrocera albistrigata* from the area of these counties that is removed from regulation. There is no existing, comparable federal regulation or statute.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impact on a representative private person or businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Amendment of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

#### *Small Business Determination*

The Department has determined that the proposed regulations will affect small business.



## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Lindsay Rains  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street Room 210  
Sacramento, CA 95814  
[lrains@cdfa.ca.gov](mailto:lrains@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

In her absence, you may contact Stephen Brown at the same phone number.

## INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<http://www.cdfa.ca.gov/plant/Regulations.html>).

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all of the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named above.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named above.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Lindsay Rains at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be posted on the Department's web site or a copy may be obtained by contacting Ms. Rains at the address listed above.

## TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

### Notice of Proposed Rulemaking

#### 45-Day Notice

The Department of Food and Agriculture proposes to amend subsections 3434(b) and 3434(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine.

This notice is being provided to be in compliance with Government Code Section 11346.4.

## PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on February 13, 2012. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

AMENDED TEXT

This proposal will add approximately 13 square miles to the existing quarantine area in Long Beach and establish a new quarantine of approximately 13 square miles in the Whittier area, Los Angeles County; establish a new quarantine area of approximately 15 square miles in the Foothill Farms area, add approximately 225 square miles to the existing Sacramento area of Sacramento County; establish a new quarantine area of approximately 22 square miles in the Galt area of Sacramento and San Joaquin counties; merge the approximately 35 square miles in the Tracy area of San Joaquin and Alameda counties with the regulated area; establish new quarantine areas of approximately 13 square miles in the Acampo area, 20 square miles in the Clements area, 54 square miles in the King Island area and 25 square miles in the Lockeford area of San Joaquin County; establish a new quarantine of approximately 10 square miles in the Cayucos area and expand the existing quarantine area by approximately three square miles in the Los Osos area of San Luis Obispo County; establish new quarantines in the Carpinteria area, approximately 11 square miles and the Goleta area, approximately 19 square miles, of Santa Barbara County; expand by approximately eight square miles the Allendale area and establish a new quarantine of approximately 13 square miles in the Vacaville area of Solano County; expand by approximately 431 square miles current contiguous regulated area at various locations; and, remove approximately 10 square miles of the South Park area of San Diego County; remove approximately 37 square miles of the Manteca area of San Joaquin County; and, remove approximately 55 square miles of the Davis area of Yolo and Solano counties. The regulated area will expand by a total of approximately 431 square miles. The quarantine area will expand by a total of approximately 464 square miles. The effect of this proposed change to the regulation will be to add and remove authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these areas. This will result in a total of approximately 6,062 square miles under regulation within the State.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or business: The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental nursery producing plants in one-gallon containers may incur initial costs of \$140 to \$218 per acre in eliminating the light brown apple moth to be in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates into an initial increased production cost of \$0.002 to \$0.003 per one gallon container. The actual costs may vary with the type of material used, size and production practices of the affected businesses.

However, nursery stock that is infested with the light brown apple moth does not meet the current requirements of Section 3060.2, Standards of Cleanliness, California Code of Regulations. Therefore, even without this regulation these costs would be incurred.

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

#### *Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Raines at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/phpps/Regulations.html](http://www.cdfa.ca.gov/phpps/Regulations.html)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **February 16, 2012**,  
at 10:00 a.m.  
in the Auditorium of the  
State Resources Building,  
1416 9th Street,  
Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **February 16, 2012**,  
following the Public  
Meeting,  
in the Auditorium of the  
State Resources Building,  
1416 9th Street,  
Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **February 16, 2012**,  
following the Public  
Hearing,  
in the Auditorium of the  
State Resources Building,  
1416 9th Street,  
Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

### DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure

effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **February 16, 2012**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 4,  
Article 16  
Section 1621  
**Ladderway Openings**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 4,  
Article 16  
Section 1621  
**Ladderway Openings**

### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action was initiated by the Occupational Safety and Health Standards Board (Board) staff as a result of the Division of Occupational Safety and Health (Division) Form 9 memorandum to the Board dated October 11, 2010, which refers to an Occupational Safety and Health Appeals Board (OSHAB) Decision in the Matter of Webcor Builders, Inc., Dockets 06-R1D1-3030 through 3032, dated September 30, 2009. In particular, this rulemaking responds to Docket



06-R1D1-3030, where the employer was cited by the Division for not providing a swinging gate or an offset structure to prevent a person from walking directly into a ladderway opening. The employer's appeal of this citation was granted as the Administrative Law Judge rejected the Division's argument that the second floor deck was a platform. This proposal is intended to address the gap in the safety orders reflected in this OSHAB decision. The Decision was upheld in OSHAB's January 11, 2010, Denial of Petition for Reconsideration.

**Section 1621. Railings and Toeboards.**

**Subsection (d)**

Existing Section 1621 provides railing and toeboard requirements for elevations 7 1/2 feet or more above the ground, floor, or level below. An amendment to Section 1621 is proposed to add a new subsection (d) requiring either a swinging gate or equivalent protection, or passageway offset where railings are required by Section 1621(a). The proposed amendment is consistent with Section 1632(c) and will clarify to the employer that ladderway openings on perimeter of a floor or roof deck also need to be designed to prevent falls. The proposal is consistent with federal construction standard, 29 CFR 1926.502(b)(13), pertaining to floor openings or platforms.

**COST ESTIMATES OF PROPOSED ACTION**

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete**

The proposal amends Section 1621 to address ladderway guarding for the perimeter of a floor or roof deck consistent with requirements for ladderway openings or platforms with existing Section 1632 and the federal construction standard for guardrail systems. It is impossible to estimate how many additional construction site ladderway openings will need to be retrofitted with a swinging gate or other method to comply with the standard but such costs are reasonably expected to be proportionally insignificant in comparison with the overall construction site costs.

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including

the ability of California businesses to compete with businesses in other states.

**Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

This proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All state, local and

private employers will be required to comply with the prescribed standard.

### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

### ASSESSMENT

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 10, 2012. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 16, 2012, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above

proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

## TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

### NOTICE OF PROPOSED RULEMAKING

#### Emergency Notice for Sudden Oak Death, 2011

#### Title 14 of the California Code of Regulations (14 CCR):

The Board of Forestry and Fire Protection (Board) proposes to amend and adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

#### Amend:

- § 895 Abbreviations Applicable Throughout the Chapter.
- § 916.9 Protection and Restoration of the Beneficial Functions of the Riparian Zone in Watersheds with Listed Anadromous Salmonids.
- § 1052 Emergency Notice.
- § 1052.1 Emergency Conditions.
- § 1052.2 Emergency Substantiated by RPF.

**Adopt:**

1052.5. Emergency Notice for Outbreaks of Sudden Oak Death Disease.

**PUBLIC HEARING**

The Board will hold a public hearing starting at 8:00 a.m., on Wednesday, March 7, 2012, at the Resources Building Auditorium, 1<sup>st</sup> Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., Tuesday, February 28, 2012. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Eric Huff  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

**AUTHORITY AND REFERENCE**

Public Resources Code (PRC) 4551 authorizes the Board to adopt rules and regulation as it determines are reasonably necessary to enable, implement, interpret or make specific PRC 4592. PRC 4750, 4750.3, 4750.4 authorize the California Department of Forestry and Fire Protection to implement programs to detect, remove and treat SOD infected trees.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation necessary to minimize natural resource damage and spread of Sudden Oak Death in the State's private timberlands, in accordance with Public Resources Code Section 4592, Emergency Notice content. The proposed rule defines an Emergency Condition under Title 14 of the California Code of Regulations, Section 1052.1 and specifies the location, treatments, and environmental protection measures related to the removal of live and dead hardwood trees or vegetation infected by or susceptible to Sudden Oak Death disease. The proposed regulation allows for filing of an Emergency Notice instead of a Timber Harvesting Plan when operations are conducted in accordance with the proposed rule conditions of Section 1052.5, Emergency Notice for Outbreaks of Sudden Oak Death Disease. The proposed rule includes two documents incorporated by reference as follows:

**Documents Incorporated by Reference**

1. Notice of Emergency Timber Operations Sudden Oak Death, Form RM-66 (14 CCR Section 1052.5) (2/1/11).
2. Mitigation and Management Recommendations in the California Oak Mortality Task Force publication *Sudden Oak Death for Forestry* (rev. August 2010), <http://www.suddenoakdeath.org/wpcontent/uploads/2010/08/ForestryGuidelines1.pdf>.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None are known.

- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None are known.
- Potential cost impact on private persons or directly affected businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Use of the emergency notice for Sudden Oak Death is at the discretion of the landowner. The rule allows landowners to commercially harvest SOD infected trees that would otherwise require a lengthy and costly Timber Harvesting Plan permitting process.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business because the proposed rule allows landowners to commercially harvest SOD infected trees that would otherwise require a lengthy and costly Timber Harvesting Plan permitting process.
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed Rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no rea-

sonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Eric Huff  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-8031

The designated backup person in the event Mr. Huff is not available is George Gentry, Executive Officer of the Board, at the above address and phone.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action, using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKE-THROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above-referenced information is also available on the CDF web site at: [http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in



this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice.

The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **TITLE 14. FISH AND GAME COMMISSION**

### **Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the au-

thority vested by sections 200, 202, 203, 220, 332, 460, 1050, 1575, 3452, 3453, 4334, 4370, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 332, 458, 459, 460, 713, 1050, 1575, 3452, 3453, 3950, 3951, 4334, 4370, 4902, 10500 and 10502 of said Code, proposes to amend Sections 360, 361, 362, 363, 364, and subsections 365(b) and 708.12(d), Title 14, California Code of Regulations, relating to Mammal Hunting 2012–2013.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

#### **360(a)**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the “Low Kill” alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

<b>Deer: § 360(a) A, B, C, and D Zone Hunts — Tag Allocations</b>		
Zone	Current	Proposed
A	65,000	30,000–65,000
B	35,000	35,000–65,000
C	8,150	5,000–15,000
D3–5	33,000	30,000–40,000
D–6	10,000	6,000–16,000
D–7	9,000	4,000–10,000
D–8	8,000	5,000–10,000
D–9	2,000	1,000–2,500
D–10	700	400–800
D–11	5,500	2,500–6,000
D–12	950	100–1,500
D–13	4,000	2,000–5,000
D–14	3,000	2,000–3,500
D–15	1,500	500–2,000
D–16	3,000	1,000–3,500
D–17	500	100–800
D–19	1,500	500–2,000

**360(b)**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined

until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the “Low Kill” alternative identified in the 2007 Environmental Document Regarding Deer Hunting.

<b>Deer: § 360(b) X-Zone Hunts — Tag Allocations</b>		
Zone	Current	Proposed
X-1	1,275	1,000–6,000
X-2	180	50–500
X-3a	280	100–1,200
X-3b	935	200–3,000
X-4	355	100–1,200
X-5a	60	25–200
X-5b	140	50–500
X-6a	325	100–1,200
X-6b	315	100–1,200
X-7a	230	50–500
X-7b	140	25–200
X-8	240	100–750
X-9a	650	100–1,200
X-9b	325	100–600
X-9c	325	100–600
X-10	400	100–600
X-12	860	100–1,200

**360(c)**

Existing regulations provide for the number of hunting tags in the Additional Hunts. The proposal changes the number of tags for all existing hunts to a series of ranges as indicated in the table below. The proposal provides a range of tag numbers for each hunt from which a final number will be determined, based on the post-winter status of each deer herd. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Due to this, the final recommended quotas may fall below the current proposed range into the “Low Kill” alterna-

tive identified in the 2007 Environmental Document Regarding Deer Hunting.

Existing regulations for Additional Hunts G-8 (Fort Hunter Liggett Antlerless Deer Hunt) and J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt) provide for hunting to begin on October 1 and continue for two (2) consecutive days and reopen on October 8 and continue for three (3) consecutive days in order to accommodate for Base operations and other hunt opportunities. The proposal would modify the season to account for the annual calendar shift by changing the season opening dates to October 6 and October 13, respectively, in order to accommodate for Base operations.

<b>Deer: § 360(c) Additional Hunts</b>		
<b>Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
G-1 (Late Season Buck Hunt for Zone C-4)	2,710	500-5,000
G-3 (Goodale Buck Hunt)	35	5-50
G-6 (Kern River Deer Herd Buck Hunt)	50	25-100
G-7 (Beale Either-Sex Deer Hunt)	20 Military *	20 Military *
G-8 (Fort Hunter Liggett Antlerless Deer Hunt)	10 Military * & 10 Public	10 Military * and 10 Public
G-9 (Camp Roberts Antlerless Deer Hunt)	15 Military * & 15 Public	0
G-10 (Camp Pendleton Either-Sex Deer Hunt)	400 Military *	400 Military *
G-11 (Vandenberg Either-Sex Deer Hunt)	500 Military * & DOD **	500 Military *, DOD and as Authorized by the Installation Commander**
G-12 (Gray Lodge Shotgun Either-Sex Deer Hunt)	30	10-50
G-13 (San Diego Antlerless Deer Hunt)	300	50-300
G-19 (Sutter-Yuba Wildlife Areas Either-Sex Deer Hunt)	25	10-50
G-21 (Ventana Wilderness Buck Hunt)	25	25-100
G-37 (Anderson Flat Buck Hunt)	25	25-50
G-38 (X-10 Late Season Buck Hunt)	300	50-300
G-39 (Round Valley Late Season Buck Hunt)	5	5-150
M-3 (Doyle Muzzleloading Rifle Buck Hunt)	20	10-75
M-4 (Horse Lake Muzzleloading Rifle Buck Hunt)	5	5-50
M-5 (East Lassen Muzzleloading Rifle Buck Hunt)	5	5-50
M-6 (San Diego Muzzleloading Rifle Either-Sex Deer Hunt)	80	25-100
M-7 (Ventura Muzzleloading Rifle Either-Sex Deer Hunt)	150	50-150
M-8 (Bass Hill Muzzleloading Rifle Buck Hunt)	20	5-50
M-9 (Devil's Garden Muzzleloading Rifle Buck Hunt)	10	5-100
M-11 (Northwestern California Muzzleloading Rifle Buck Hunt)	20	20-200
MA-1 (San Luis Obispo Muzzleloading Rifle/Archery Either-Sex Deer Hunt)	150	20-150
MA-3 (Santa Barbara Muzzleloading Rifle/Archery Buck Hunt)	150	20-150
J-1 (Lake Sonoma Apprentice Either-Sex Deer Hunt)	25	10-25
J-3 (Tehama Wildlife Area Apprentice Buck Hunt)	15	15-30
J-4 (Shasta-Trinity Apprentice Buck Hunt)	15	15-50
J-7 (Carson River Apprentice Either-Sex Deer Hunt)	15	10-50
J-8 (Daugherty Hill Wildlife Area Apprentice Either-Sex Deer Hunt)	15	10-20
J-9 (Little Dry Creek Apprentice Shotgun Either-Sex Deer Hunt)	5	5-10
J-10 (Fort Hunter Liggett Apprentice Either-Sex Deer Hunt)	10 Military* & 75 Public	10 Military* and 75 Public
J-11 (San Bernardino Apprentice Either-Sex Deer Hunt)	40	10-50

Deer: § 360(c) Additional Hunts Tag Allocations		
Hunt Number (and Title)	Current	Proposed
J-12 (Round Valley Apprentice Buck Hunt)	10	10-20
J-13 (Los Angeles Apprentice Either-Sex Deer Hunt)	40	25-100
J-14 (Riverside Apprentice Either-Sex Deer Hunt)	30	15-75
J-15 (Anderson Flat Apprentice Buck Hunt)	10	5-30
J-16 (Bucks Mountain-Nevada City Apprentice Either-Sex Deer Hunt)	75	10-75
J-17 (Blue Canyon Apprentice Either-Sex Deer Hunt)	25	5-25
J-18 (Pacific-Grizzly Flat Apprentice Either-Sex Deer Hunt)	75	10-75
J-19 (Zone X-7a Apprentice Either-Sex Deer Hunt)	25	10-40
J-20 (Zone X-7b Apprentice Either-Sex Deer Hunt)	20	5-20
J-21 (East Tehama Apprentice Either-Sex Deer Hunt)	50	20-80

*\*Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

*\*\*DOD = Department of Defense and eligible personnel as authorized by the Installation Commander.*

### **360(d)**

Existing regulations provide for the sale of up to ten (10) fund-raising license deer tags annually. The proposed changes are to reflect the repeal of Section 708 and its replacement by Sections 708.1-708.17, and the statutory modification of subsection 4332(e) to Section 3953, Fish and Game Code. Additionally, a change to reflect new contact information with the Departments Law Enforcement Division is proposed.

### **361**

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the table below. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and over-winter adult survival, final tag quotas may fall below the proposed range into the "Low Kill" alternative identified in the 2007 Environmental Document Regarding Deer Hunting.



Archery Deer Hunting: § 361 Tag Allocations		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zones Archery Only Hunt)	1,945	150-3,000
A-3 (Zone X-1 Archery Hunt)	130	50-1,000
A-4 (Zone X-2 Archery Hunt)	20	5-100
A-5 (Zone X-3a Archery Hunt)	35	10-300
A-6 (Zone X-3b Archery Hunt)	90	25-400
A-7 (Zone X-4 Archery Hunt)	135	25-400
A-8 (Zone X-5a Archery Hunt)	15	15-100
A-9 (Zone X-5b Archery Hunt)	5	5-100
A-11 (Zone X-6a Archery Hunt)	55	10-200
A-12 (Zone X-6b Archery Hunt)	110	10-300
A-13 (Zone X-7a Archery Hunt)	50	10-200
A-14 (Zone X-7b Archery Hunt)	25	5-100
A-15 (Zone X-8 Archery Hunt)	50	5-100
A-16 (Zone X-9a Archery Hunt)	140	50-500
A-17 (Zone X-9b Archery Hunt)	300	50-500
A-18 (Zone X-9c Archery Hunt)	350	50-500
A-19 (Zone X-10 Archery Hunt)	120	25-200
A-20 (Zone X-12 Archery Hunt)	190	50-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	30	10-100
A-27 (Devil's Garden Archery Buck Hunt)	5	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-1,500
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300
A-33 (Fort Hunter Liggett Late Season Archery Either- Sex Deer Hunt)	25 Military* & 25 Public	25 Military* & 25 Public

\* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

### 362

The existing regulation provides for limited hunting of 27 Nelson bighorn rams in specified areas of the State. The proposed change is intended to remove the 'for 2011' column heading to continue the use of exist-

ing tag allocations. There is no recommendation to change existing tag allocations. The number of tags allocated for each of the nine hunt zones is based on the results of the Department's estimate of the bighorn sheep population in each zone.

<b>Nelson Bighorn Sheep Hunt Zone</b>	<b>Tag Allocation</b>
Zone 1 – Marble Mountains	4
Zone 2 – Kelso Peak/Old Dad Mountains	4
Zone 3 – Clark/Kingston Mountain Ranges	2
Zone 4 – Orocopia Mountains	1
Zone 5 – San Geronio Wilderness	2
Zone 6 – Sheep Hole Mountains	2
Zone 7 – White Mountains	4
Zone 8 – South Bristol Mountains	2
Zone 9 – Cady Mountains	3
Open Zone Fund–Raising Tag	1
Marble/Clipper/South Bristol Mountains Fund–Raising Tag	1
Kelso Peak/Old Dad Mountains Fund–Raising Tag	1
<b>TOTAL</b>	<b>27</b>

This proposal simply removes the year reference (2011) from the table header in subsection (d).

### 363

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation

ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2012. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed 2012 tag allocation ranges for the hunt zones are as set forth below.

2012 Pronghorn Antelope Tag Allocation Ranges						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1 — Mount Dome	0–10	0–3	0–60	0–20	0	0
Zone 2 — Clear Lake	0–10	0–3	0–80	0–25	0	0
Zone 3 — Likely Tables	0–20	0–7	0–150	0–50	0–130	0–50
Zone 4 — Lassen	0–20	0–7	0–150	0–50	0–150	0–50
Zone 5 — Big Valley	0–15	0–5	0–150	0–50	0	0
Zone 6 — Surprise Valley	0–10	0	0–25	0–7	0	0
Big Valley Apprentice Hunt	N/A		0–15 Either–Sex		0	
Lassen Apprentice Hunt	N/A		0–15 Either–Sex		0	
Surprise Valley Apprentice Hunt	N/A		0–4 Either–Sex		0	
Likely Tables Apprentice Hunt	N/A		0–5 Either–Sex		0	
Fund–Raising Hunt	N/A		0–10 Buck			

**364**

Existing regulations specify elk license tag quotas for each hunt. In order to maintain hunting quality in accordance with management goals and objectives, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. This

proposed amendment modifies elk tag numbers to ranges of tags to adjust for fluctuations in population numbers.

Periodic quota changes are necessary to maintain hunting quality in accordance with management goals and objectives.

**CALIFORNIA REGULATORY NOTICE REGISTER 2011, VOLUME NO. 52-Z**

2012 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
<b>Apprentice Hunts</b>				
Marble Mountains			0-4	
Northeastern CA			0-4	
Cache Creek	0-2			
La Panza Period 1	0-2	0-2		
Bishop Period 2	0-10	0-30		
Grizzly Island Period 1		0-2		0-2
Grizzly Island Period 2				0-2
Fort Hunter Liggett P1		0-4		
Fort Hunter Liggett P2		0-4		
Fort Hunter Liggett P3	0-2			
<b>Archery Only Hunts</b>				
Northeastern California Archery Only			0-20	
Owens Valley Multiple Zone Archery Only	0-10	0-10		
Lone Pine Archery Only Period 1	0-10	0-30		
Tinemaha Archery Only Period 1	0-10	0-30		
Whitney Archery Only Period 1	0-10	0-30		
Fort Hunter Liggett Archery Only		0-10	0-6	
<b>Muzzleloader Only Hunts</b>				
Bishop Muzzleloader Only Period 1	0-10	0-30		
Independence Muzzleloader Only Period 1	0-10	0-10		
Fort Hunter Liggett Muzzleloader Only	0-6			
<b>Muzzleloader/Archery Only Hunts</b>				
Marble Mountains Muzzleloader/Archery Only			0-10	
<b>General Roosevelt Elk Hunts</b>				
Siskiyou	0-30	0-30		
Big Lagoon	0-10	0-10		
Northwestern California			0-30	
Klamath	0-20	0-20		
Del Norte	0-15	0-20		
Marble Mountains	0-70	0-30		
<b>General Rocky Mountain Elk Hunts</b>				
Northeastern California	0-30	0-10		
<b>General Roosevelt/Tule Elk Hunts</b>				
Mendocino	0-4	0-4		
<b>General Tule Elk Hunts</b>				
Cache Creek	0-4	0-4		
La Panza Period 1	0-12	0-10		
La Panza Period 2	0-12	0-12		
Bishop Period 3	0-10	0-30		
Bishop Period 4	0-10	0-30		
Bishop Period 5	0-10	0-30		
Independence Period 2	0-10	0-30		
Independence Period 3	0-10	0-30		
Independence Period 4	0-10	0-30		
Independence Period 5	0-10	0-30		
Lone Pine Period 2	0-10	0-30		
Lone Pine Period 3	0-10	0-30		
Lone Pine Period 4	0-10	0-30		
Lone Pine Period 5	0-10	0-30		
Tinemaha Period 2	0-10	0-30		
Tinemaha Period 3	0-10	0-30		
Tinemaha Period 4	0-10	0-30		
Tinemaha Period 5	0-10	0-30		
West Tinemaha Period 1	0-10	0-30		
West Tinemaha Period 2	0-10	0-30		
West Tinemaha Period 3	0-10	0-30		
West Tinemaha Period 4	0-10	0-30		
West Tinemaha Period 5	0-10	0-30		
Tinemaha Mountain Period 1	0-8			
Tinemaha Mountain Period 2	0-8			
Tinemaha Mountain Period 3	0-8			
Tinemaha Mountain Period 4	0-8			
Tinemaha Mountain Period 5	0-8			
Whitney Period 2	0-4	0-10		
Whitney Period 3	0-4	0-10		
Whitney Period 4	0-4	0-10		
Whitney Period 5	0-4	0-10		
Grizzly Island Period 1	0-3	0-12		0-6
Grizzly Island Period 2	0-3	0-12		0-6
Grizzly Island Period 3	0-3	0-12		0-6
Grizzly Island Period 4	0-2	0-12		0-6
Grizzly Island Period 5	0-2	0-12		0-6



2012 Proposed Elk Tag Allocation				
Hunt Name and Type	Bull	Antlerless	Either-Sex	Spike
<b>General Tule Elk Hunts (cont.)</b>				
Fort Hunter Liggett Period 1		0-16		
Fort Hunter Liggett Period 2		0-14		
Fort Hunter Liggett Period 3	0-14			
East Park Reservoir	0-4	0-8		
San Luis Reservoir	0-10	0-10	0-10	
Bear Valley	0-4	0-2		
Lake Pillsbury	0-4	0-4		
Santa Clara	0-4			
Alameda	0-4			
<b>Fund Raising Tags</b>				
Multi-zone	1			
Grizzly Island	1			
Owens Valley	1			
<b>Military Only Elk Tags</b>				
Fort Hunter Liggett Military Early Season	0-2	0-2		
Fort Hunter Liggett Military Period 1		0-16		
Fort Hunter Liggett Military Period 2		0-14		
Fort Hunter Liggett Military Period 3	0-14			
Fort Hunter Liggett Military Apprentice Period 1		0-4		
Fort Hunter Liggett Military Apprentice Period 2		0-4		
Fort Hunter Liggett Military Apprentice Period 3	0-2			
Fort Hunter Liggett Military Archery Only		0-10	0-6	
Fort Hunter Liggett Military Muzzleloader Only	0-6			

The proposed amendment organizes and re-writes the verbatim in consistent order by subspecies and hunt type.

### **365(b) and 708.12(d)**

Existing subsection 365(b), Title 14, California Code of Regulations references a regulatory subsection that was recently renumbered. Existing regulation in 365(b) requires the Department to close the bear hunting season when the department determines that 1,700 bears have been taken pursuant to the reporting requirement in subsection 708(e). Subsection 708(e) was recently repealed by regulatory action and replaced with subsection 708.12(e). The proposed change will reference the new section to ensure that the bear season is properly closed.

Existing subsection 708.12(d), Title 14, California Code of Regulations requires that ONLY Department employees are authorized to validate bear tags and requires the tag be countersigned before transporting such bear except for the purpose of taking it to the nearest person authorized to countersign the license tag on the route being followed from the point where taken. The proposed clarification will allow a person to legally transport a bear with an unvalidated bear license tag when Department offices are closed.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Mission Inn, 3649 Mission Inn Ave., Riverside, California, on Wednesday, March 7, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Redwood Ballroom, Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, April 11, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 11, 2012 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 10, 2012. All comments must be received no later than April 11, 2012, at the hearing in Eureka, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Brad Burkholder, Department of Fish and Game, (916) 445-1829, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be

posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

360(a) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

360(b) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

360(c) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action would adjust tag quotas for existing hunts and modify season dates for two hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

360(d) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action reflects editorial changes to eliminate inconsistencies between regulation and Fish and Game Code. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

361 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

362 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes allow for the continued hunting of Nelson bighorn sheep, there are no changes in the number of tags issued from previous years, so this proposal is economically neutral.

363 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

364 — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

365(b) and 708.12(d) — The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This regulation change is ministerial and is simply required to reflect recent changes to referenced subsections.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California.

None.

- (c) Cost Impacts on Private Persons.

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies.

None.

- (f) Programs Mandated on Local Agencies or School Districts.

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.

None.

- (h) Effect on Housing Costs.

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

**TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES**

**ACTION:** Notice of Proposed Rulemaking  
Title 22, California Code of Regulations

**SUBJECT:** Nonphysician Medical Practitioners (NMPs), DHCS-06-017

**PUBLIC PROCEEDINGS**

Notice is hereby given that the Department of Health Care Services (Department) will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The California State Medicaid program, Medi-Cal, is authorized under Title XIX of the federal Social Security Act and is jointly funded by the state and federal governments. Medi-Cal is administered by the Department. Health care providers licensed under applicable provisions of the Business and Professions (B&P) Code who also meet Medi-Cal statutory and regulatory requirements may be enrolled as "Medi-Cal providers" by the Department, pursuant to Welfare and Institutions (W&I) Code Section 14043.15. Among the health care providers who may be enrolled as Medi-Cal providers are Nonphysician Medical Practitioners (NMPs). NMPs include Nurse Midwives (NMs), Nurse Practitioners (NPs), and Physician Assistants (PAs).

Medi-Cal providers, including NMs, NPs and PAs are mandated to practice within the scope and standards of practice of and in accordance with applicable professional licensing statutes and regulations, pursuant to the Medical Practice Act, Nursing Practice Act, and Physician Assistant Practice Act, set forth in B&P Code Sections 2000 et seq., 2700 et seq., and 3500 et seq., respectively, and implementing regulations under Title 16, Division 2, California Code of Regulations (CCR), and in accordance with the authority and jurisdiction of the applicable licensing boards.

The amendments proposed through this regulatory action will maintain the scope and standards of practice for Medi-Cal NMPs in the appropriate location, under each provider's applicable professional licensing statutes and regulations, as described above. This will eliminate impermissible conflict with and unnecessary duplication of provisions under the B&P Code; Title 16,

CCR, Division 2; and Title 22, CCR, Division 3. This will also avoid the need to revise these regulations when the scope or standards of practice for these providers change through B&P Code and/or Title 16 changes.

The changes proposed to Title 22, CCR Sections 51240, 51305 and 51476 include:

- The addition of cross references to applicable professional licensing statutes and regulations.
- The removal of outdated regulatory provisions and those that are duplicative of standards already set forth in applicable NMP professional licensing statutes and regulations.
- The correction of typographical errors.

#### AUTHORITY

Section 20, Health and Safety Code; and Sections 10725, 14043.15, 14105 and 14124.5, Welfare and Institutions Code.

#### REFERENCE

Sections 14043, 14043.1, 14043.2, 14043.47, 14043.341, 14053, 14059, 14059.5, 14060, 14105.35, 14107, 14124.1, 14124.2, 14132, 14132.4, 14132.41, 14132.42, 14132.6, 14132.966, 14133, 14133.25, 14133.3 and 14170, Welfare and Institutions Code; and Title 42, Code of Federal Regulations, Sections 483.40(e) and 485.631(b)(iv).

#### COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on February 17, 2012, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail to the Office of Regulations, Department of Health Care Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413; or
2. By hand-delivery to the Office of Regulations, Department of Health Care Services, 1501 Capitol Avenue, Suite 5084, Sacramento, CA 95814; or
3. By fax transmission: (916) 440-5748; or
4. By email to [regulations@dhcs.ca.gov](mailto:regulations@dhcs.ca.gov) (it is requested that email transmissions of comments, particularly those with attachments, contain the

regulation package identifier “DHCS-06-017” in the subject line to facilitate timely identification and review of the comment).

Written comments should include the author’s contact information so the Department can provide notification of any further changes to the regulation proposal.

#### INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Janice Spitzer of the Benefits Analysis Section at (916) 552-9633.

All other inquiries concerning the action described in this notice may be directed to Ben Carranco of the Office of Regulations, at (916) 440-7766, or to the designated backup contact person, Lynette Cordell, at (916) 650-6827.

#### CONTACTS

**In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DHCS-06-017.**

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at [www.dhcs.ca.gov](http://www.dhcs.ca.gov) by clicking on the Decisions Pending and Opportunity for Public Participation link (from the left menu), then selecting the Proposed Regulations link.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email [regulations@dhcs.ca.gov](mailto:regulations@dhcs.ca.gov), or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.



### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

### FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other nondiscretionary costs or savings including revenue changes imposed on State or Local Government: None.

### DETERMINATIONS

The Department has determined that the proposed regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the proposed regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

Medi-Cal is a voluntary program for both service providers and beneficiaries. This proposed regulatory action will affect only those businesses that utilize the services of NMPs who provide services under the Medi-Cal program.

The Department has determined that the regulations would affect small businesses since some Medi-Cal providers meet the criteria for small business. Medi-Cal is a voluntary program for both service providers and beneficiaries. Therefore, only those businesses that choose to be Medi-Cal providers and elect to use NMPs would be affected by these regulations.

The Department has determined that the proposed regulations will have no impact on housing costs.

### ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No public hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. The Department shall consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

For individuals with disabilities, the Department can provide assistive services such as the conversion of written materials into Braille, large print, audiocassette, or computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note takers, reading or writing assistance. To request these assistive services, please write or call: Harry Cockcroft, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413; voice (916) 440-7695 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

## TITLE 22. DEPARTMENT OF SOCIAL SERVICES

ORD #1011-08

### NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

#### ITEM # 1 SB 781 Eviction Procedures

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held February 15, 2012, as follows:

Office Building #8  
744 P St. Room 105  
Sacramento, California

## CHAPTERS

Title 22, Division 6, Chapter 8 [Residential Care Facilities For The Elderly (RCFE)] Section 87224 (Eviction Procedures).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on February 15, 2012.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

### CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

### LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on local school districts. There are no

- ### COST ESTIMATE
1. Costs or Savings to State Agencies: No fiscal impact on Local Assistance or State Operations budget.
  2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500-17630: None.
  3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact on Local Assistance or State Operations budget.
  4. Federal Funding to State Agencies: No fiscal impact on Local Assistance or State Operations budget.

reimbursable state-mandated costs under Section 17500 et seq. of the Government Code because these regulations only make technical and clarifying changes.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

The CDSS has made an initial determination that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Section 1569.30, Health and Safety Code. Subject regulations implement and make specific Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.315, 1569.54, 1569.683, and 1569.73, Health and Safety Code.

#### THE CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Kenneth Jennings (916) 657-2586  
Backup: Zaid Dominguez (916) 657-2586

### GENERAL PUBLIC INTEREST

#### TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

#### NOTICE OF RESCHEDULED PUBLIC HEARING CONCERNING MINIMUM INTERNAL CONTROL STANDARDS (MICS) FOR GAMBLING ESTABLISHMENTS — PHASE III; GAMBLING FLOOR OPERATIONS AND HOUSE RULES CGCC-GCA-2011-02-R

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) has rescheduled the public hearing originally set for November 3, 2011, in the Notice of Proposed Action duly published in the *California Regulatory Notice Register* (Z-2011-0705-02, Register 2011, No. 28-Z, 07/15/2011), and later and rescheduled for January 5, 2011 (Register 2011, No. 43-Z, 10/28/2011). Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed regulatory action at the rescheduled public hearing to be held at **1:30 p.m. on March 8, 2012**, in the Commission's Hearing Room located at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

#### PUBLIC COMMENT PERIOD

The written comment period has not been extended. Written comments relevant to the proposed regulatory action, including those sent by mail, facsimile, or e-mail, were to have been submitted to the Commission

by September 19, 2011. Additional written comments may be received by the Commission at the above referenced hearing.

#### **CONTACT PERSON**

All comments and inquiries concerning the substance of the proposed action or rescheduling of the hearing should be directed to the following contact person:

James B. Allen, Manager  
Regulatory Actions Unit  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220  
Sacramento, CA 95833-4231  
E-mail: [Jallen@cgcc.ca.gov](mailto:Jallen@cgcc.ca.gov)  
Telephone: (916) 263-4024  
Fax: (916) 263-0499

#### **DEPARTMENT OF HEALTH CARE SERVICES**

#### **NOTICE OF GENERAL PUBLIC INTEREST**

THE CALIFORNIA DEPARTMENT OF  
HEALTH CARE SERVICES (DHCS)  
PROPOSES TO AMEND THE STATE PLAN TO  
INCLUDE ALTERNATIVE BIRTH CENTERS  
AND STATE-RECOGNIZED PROVIDERS  
AT ALTERNATIVE BIRTH CENTERS AS  
A MEDI-CAL BENEFIT

This notice provides information of public interest with respect to the requirements in the Affordable Care Act, Section 2301 regarding alternative birth centers. DHCS will submit to the Centers for Medicare and Medicaid Services (CMS) the necessary Medicaid State Plan Amendment (SPA) to include provisions of Welfare and Institutions (W&I) Code section 14148.8 part of the California State Plan.

#### **Alternative Birth Centers and Professionals Who Provide Services in Alternative Birth Centers**

As required by the Affordable Care Act Section 2301, DHCS will submit a State Plan Amendment (SPA) to include alternative birth centers and state-recognized professionals who provide services in alternative birth centers in the State Plan. Medi-Cal currently covers alternative birth centers and professionals who provide services in them. The SPA will not change the scope of service or rates paid to practitioners or alternative birth centers, as defined in W&I Code section 14148.8.

#### **Public Review and Comment**

The California statute discussed above is available for public review at local county welfare offices throughout the State and at [www.leginfo.com](http://www.leginfo.com). Interested parties may submit written comments, requests for copies of the statute, and/or requests for copies of the written comments to: Janice Spitzer, Chief, Benefits Analysis Section; Medi-Cal Benefits, Waiver Analysis and Rates Division; Department of Health Care Services; MS 4600; P.O. Box 997417; Sacramento, CA 95899-7417.

#### **DEPARTMENT OF HEALTH CARE SERVICES**

#### **NOTICE OF GENERAL PUBLIC INTEREST**

#### **THE TIME PERIOD FOR THE PROVISION OF SUPPLEMENTAL PAYMENTS TO HOSPITALS HAS BEEN EXTENDED**

This notice is to provide information of public interest with respect to an extension of the time period when supplemental payments to specified hospitals for hospital inpatient and outpatient services provided to Medi-Cal beneficiaries may be made. The extension of time also applies to an increase in payments that will be made to Medi-Cal managed care health plans.

Originally, the time period for the supplemental payments was July 1, 2011, through June 30, 2012, as described in the previous public notice. That notice, titled "Notice of General Public Interest, The Department of Health Care Services May Provide Supplemental Payments to Hospitals Up to the Federal Upper Payment Limit," was published on June 24, 2011, in the California Regulatory Notice Register 2011, Volume No. 25-Z, page 1010.

The extension of time was enacted in Senate Bill 335 (chaptered on September 16, 2011). The extended time period is from July 1, 2011 through December 31, 2013.

As described in the June 24, 2011, public notice, the supplemental payments to hospitals would be up to the aggregate upper payment limit for the category of hospitals receiving the payments. These payments would be made periodically (quarterly or with respect to other time periods) on a lump-sum basis throughout each fiscal year, and would not be paid as individual increases to current reimbursement rates for specific services. The payments to hospitals would supplement (and not supplant) specified existing levels of payments, but would be subject to all applicable federal payment limits. Payments to Medi-Cal managed care health plans would be subject to actuarial and other federal limits.



The proposed additional payments to hospitals and managed care plans are subject to approval by the federal Centers for Medicare & Medicaid Services.

A description of the California legislation that will amend the Welfare and Institutions Code to make the changes described in this notice (including the applicable sections of the legislation) is available for public review at local county welfare offices throughout the State. A copy of the description and the legislative provisions may also be requested in writing from Ms. Pilar Williams, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436.

Written comments concerning the supplemental payments and the extended period of time may be mailed to Ms. Williams at the above address.

## DEPARTMENT OF JUSTICE

### NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

[Published December 30, 2012]

Notice is hereby given that The Department of Justice ("DOJ") has extended the public comment period for the proposed regulations published in the December 2, 2011 California Regulatory Notice Register, Notice File No. Z2011-1122-04. The Notice of Proposed Amendments to Title 11, Division 1, Chapter 4.6 proposes to adopt the amendments described therein after considering all comments, objections, and recommendations regarding the proposed action.

#### I. PUBLIC HEARING

DOJ has not scheduled a public hearing on this proposed action. However, DOJ will schedule a hearing if it receives, no later than 15 days before the close of the written comment period, a written request for a public hearing from any interested person, or his or her authorized representative.

#### II. WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the

proposed regulatory action to DOJ at the following address:

Department of Justice  
Office of the Attorney General  
Registry of Charitable Trusts  
Attn.: Kevis Foley, Registrar  
1300 I Street  
P.O. Box 903447  
SACRAMENTO, CA 94203-4470

Comments may also be submitted by e-mail to [raffles@doj.ca.gov](mailto:raffles@doj.ca.gov). The written comment period closes at 5:00 p.m. on February 24, 2012. DOJ will consider only comments postmarked on or before that date.

## PROPOSITION 65

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

### NOTICE OF INTENT TO LIST METHYL ISOPROPYL KETONE BY THE LABOR CODE MECHANISM

DECEMBER 30, 2011

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemical identified in the table below as known to the State to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et seq.* This action is being taken by the Labor Code mechanism pursuant to Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Reproductive Toxicity Endpoint	Reference
Methyl isopropyl ketone	563-80-4	Developmental toxicity	ACGIH (2011)

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) requires that substances identified in Labor Code section 6382(d) as causing reproductive toxicity be included on the Proposition 65 list. Labor Code section 6382(d) captures any chemicals within the scope of the federal Hazard Communication Standard that are identified as reproductive toxicants. Chemicals fall within the scope of the Hazard Communication Standard if they are listed as hazardous in the latest edition of the American Conference of Governmental Industrial Hygienists (ACGIH) "Threshold Limit Values (TLVs)." The TLV for methyl isopropyl ketone was assigned on the basis of ACGIH's findings of reproductive effects (developmental toxicity endpoint).

**Opportunity for comment:** OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA is providing this opportunity to comment as to whether the chemical identified above meets the requirements for listing as causing reproductive toxicity, specified in Health and Safety Code section 25249.8(a). Because this is a ministerial listing, comments should be limited to the question whether the ACGIH has assigned a TLV based in whole or in part on an endpoint of reproductive toxicity. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by the ACGIH when it established the TLV, and will not respond to such comments if they are submitted.

**OEHHA must receive comments by 5:00 p.m. on Monday, January 30, 2012.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include the chemical name in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below or

to [Cynthia.Oshita@oehha.ca.gov](mailto:Cynthia.Oshita@oehha.ca.gov) within 10 days from the publication of this notice:

**Mailing Address:** Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento,  
California 95812-4010  
**Fax:** (916) 323-8803  
**Street Address:** 1001 I Street  
Sacramento, California 95814

If you have any questions, please contact Ms. Oshita at (916) 445-6900.

#### References

American Conference of Governmental Industrial Hygienists (ACGIH). 2011 TLVs and BELs Based on Documentation of the Threshold Limit Values for Chemical Substances and Physical Agents & Biological Exposure Indices, ACGIH, Cincinnati, OH, page 41.

## DECISION NOT TO PROCEED

### OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

#### NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code Section 11347, the Occupational Safety and Health Standards Board of the State of California decided not to proceed with Title 8, General Industry Safety Orders, Chapter 4, Subchapter 7, Article 4, Section 3276, Portable Ladders—Frequency of Inspections, (Part of Notice File No. Z-2011-0823-13, published September 2, 2011, in the California Notice Register 2011, No. 35-Z, page 1376); and therefore, withdraws this proposed action.

# SUMMARY OF REGULATORY ACTIONS

## REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-1028-04  
AIR RESOURCES BOARD  
Part 3: Truck and Bus Regulation

The ARB amended title 13, California Code of Regulations, section 2025, referred to as the truck and bus regulation. The purpose of amendments is to provide some degree of economic relief to the industry by providing greater flexibility for complying with the regulation while maintaining state compliance with air quality standards under state and federal law.

Title 13  
California Code of Regulations  
AMEND: 2025  
Filed 12/14/2011  
Effective 12/14/2011  
Agency Contact: Trini Balcazar (916) 445-9564

File# 2011-1028-03  
AIR RESOURCES BOARD  
Off-Road Diesel-Fueled Fleets and Large Spark-Ignition Engine Fleet Requirements

This regulatory action amends regulations for In-Use Off-Road Diesel-Fueled Fleets (sections 2449-2449.3) and for Large Spark-Ignition Engine Fleet Requirements (sections 2775-2775.2). These amendments provide additional compliance flexibility while ensuring that California meets its obligations to attain federal ambient air quality standards under the federal Clean Air Act. The amendments simplify the regulations' requirements and provide fleets with more compliance options in determining how and when to bring their vehicles into compliance.

Title 13  
California Code of Regulations  
AMEND: 2449, 2449.1, 2449.3 (renumbered to 2449.2), 2775, 2775.1, 2775.2  
REPEAL: 2449.2  
Filed 12/14/2011  
Effective 12/14/2011  
Agency Contact: Trini Balcazar (916) 445-9564

File# 2011-1028-05  
AIR RESOURCES BOARD  
Mandatory Reporting of Greenhouse Gas Emissions Regulation

This regulatory action amends and adopts provisions for the mandatory reporting of greenhouse gas emissions pursuant to the California Global Warming Solutions Act of 2006. The purpose of these revisions is to harmonize with the U.S. Environmental Protection Agency national greenhouse gas reporting requirements and to ensure accuracy in reporting to support a California greenhouse gas market-based cap-and-trade system.

Title 17  
California Code of Regulations  
ADOPT: 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157  
AMEND: 95100, 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95108, 95109, 95110, 95111, 95112, 95113, 95114, 95115, 95130, 95131, 95132, 95133  
REPEAL: 95125  
Filed 12/14/2011  
Effective 01/01/2012  
Agency Contact: Trini Balcazar (916) 445-9564

File# 2011-1214-01  
BOARD OF GOVERNORS, CALIFORNIA  
COMMUNITY COLLEGES  
Noncredit Course and Program Approval

This regulatory action deals with noncredit course and program approval. This filing is a print only and is exempt from the APA and OAL review pursuant to Education Code section 70901.5.

Title 5  
California Code of Regulations  
AMEND: 55150, 55151, 55154, 55155  
REPEAL: 55152, 55153  
Filed 12/14/2011  
Effective 01/13/2012  
Agency Contact:  
Michelle Goldberg (916) 324-4711

File# 2011-1216-01  
BOARD OF GOVERNORS, CALIFORNIA  
COMMUNITY COLLEGES  
District Full-Time Faculty Obligation for One-Time Funds

This regulatory action deals with district full-time faculty obligation for one-time funds. This action was submitted as a print only and is exempt from the APA and OAL review pursuant to Education Code section 70901.5.

Title 5  
California Code of Regulations  
AMEND: 53309, 53310  
Filed 12/16/2011  
Effective 01/15/2012  
Agency Contact: Jonathan Lee (916) 445-6272

File# 2011-1107-03  
CALIFORNIA GAMBLING CONTROL  
COMMISSION  
Interim Gambling Licenses

The California Gambling Control Commission adopted section 12349 of title 4 of the California Code of Regulations to provide for issuance of interim licenses for continued operation of gambling enterprises following certain events that result in a change in the ownership or in the control of the ownership interest.

Title 4  
California Code of Regulations  
ADOPT: 12349  
Filed 12/21/2011  
Effective 01/20/2012  
Agency Contact: James Allen (916) 263-4024

File# 2011-1207-01  
CALIFORNIA STUDENT AID COMMISSION  
Cal Grant Program and Mandatory Systemwide Fees

Title 5  
California Code of Regulations  
ADOPT: 30001.5  
Filed 12/19/2011  
Effective 12/19/2011  
Agency Contact:  
Kristen Trimarche (916) 464-6439

File# 2011-1103-02  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Inmate Credit Earning

This action reduces the credit available to inmates for completion of units of college education measured by attainment of milestones in order to better correspond to the amounts of credit awarded for other educational ac-

tivities, updates the credit schedule and coding to reflect changes in the courses available, and makes minor clarifying changes affecting eligibility for general educational development programs.

Title 15  
California Code of Regulations  
AMEND: 3040.1, 3043, 3043.6, 3044, 3045.1  
Filed 12/20/2011  
Effective 01/19/2012  
Agency Contact:  
Randy Blackwell (916) 445-2220

File# 2011-1103-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Citrus Tristeza Virus Interior Quarantine

This regulatory action reversed the movement of text that was inadvertently moved during a prior rulemaking. Part of the text in subdivision 3407(e)(2) was moved back to subdivision 3407(e)(1) to ensure the restrictions under subdivision 3407(f) will be properly applied.

Title 3  
California Code of Regulations  
AMEND: 3407(e)  
Filed 12/20/2011  
Effective 01/19/2012  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2011-1102-03  
DEPARTMENT OF INSURANCE  
Amendments to Several Sections of the CAARP Rules and Rates Manual

This File and Print action updates the CAARP Rules and Rates Manual by amending rules 21, 23, 25, 26, 27, 28, 29, 50 and 70.

Title 10  
California Code of Regulations  
AMEND: 2498.5  
Filed 12/19/2011  
Effective 1/18/2012  
Agency Contact: Mike Riordan (415) 538-4226

File# 2011-1102-04  
DEPARTMENT OF INSURANCE  
Amendments to Several Sections of the CAARP Plan of Operations

The Department of Insurance amended sections of the CAARP Plan of Operations incorporated by reference by section 2498.4.9 of title 10 of the California Code of Regulations.



Title 10  
California Code of Regulations  
AMEND: 2498.4.9  
Filed 12/19/2011  
Effective 01/18/2012  
Agency Contact: Mike Riordan (415) 538-4226

File# 2011-1102-02

DEPARTMENT OF INSURANCE

California Low Cost Automobile Plan of Operations

The Department of Insurance submitted this action to amend the California Low Cost Automobile (CLCA) Insurance Program Plan of Operations, which is incorporated by reference in title 10, California Code of Regulations, section 2498.6. The purpose of the amendments is to refine the CLCA Plan of Operations so that it properly reflects the Commissioner's policies regarding low cost automobile insurance and to reflect the most recent changes in existing law.

Title 10  
California Code of Regulations  
AMEND: 2498.6  
Filed 12/19/2011  
Effective 01/18/2012  
Agency Contact:  
Bryant W. Henley (916) 492-3558

File# 2011-1116-01

DEPARTMENT OF JUSTICE

Department of Financial Institutions Bond Form

The Department of Justice for the Department of Financial Institutions is amending section 101.2, title 11, California Code of Regulations (Payment Instrument or Stored Value Licensee Bond).

Title 11  
California Code of Regulations  
AMEND: 101.2  
Filed 12/15/2011  
Effective 12/15/2011  
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2011-1103-04

DEPARTMENT OF PARKS AND RECREATION

Grants and Cooperative Agreements Program

This regulatory action deals with grant agreements with the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the Department of Parks and Recreation (DPR). The program provides for project specific grant funding. The amendments include further clarification of various provisions, including the grants Evaluation Criteria. The program was initially adopted in 2008 and after each annual cycle, they learn

about new ways to improve the program or the regulations.

DPR requests that the regulations be effective on January 9, 2012 because the regulations require the department to post all application materials needed (forms, etc.) for the next grant cycle on the Department's website by the second Monday of January, which is January 9 of this year.

Title 14  
California Code of Regulations  
ADOPT: 4970.24.2  
AMEND: 4970.00, 4970.01, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.15.1, 4970.15.2, 4970.19, 4970.19.1, 4970.23.1, 4970.23.2, 4970.24, 4970.25.2, 4970.25.3  
Filed 12/20/2011  
Effective 01/09/2012  
Agency Contact:  
Sixto Fernandez (916) 324-1572

File# 2011-1205-02

DEPARTMENT OF PUBLIC HEALTH

School Immunization Requirements: Grades 7-12

California experienced a pertussis (whooping cough) epidemic in 2010. Previously, state law prohibited the requirement of immunization for pertussis in children seven years of age and older. Because of the urgency of the epidemic, the Legislature enacted AB 354 (Arambula, Ch. 434, Statutes of 2010), removing the age restriction and requiring full immunization against pertussis for admission or advancement to the 7th through 12th grades. This is a readoption of the emergency rulemaking that:

1. Removes the hepatitis B vaccine requirement (for admission or advancement to the 7th grade),
2. Requires full immunization against pertussis and the immunizing agent (Tdap) for one year (July 1, 2011 to June 30, 2012),
3. Requires a separate PBE (Personal Belief Exemption) form for parents/guardians to exempt their child from the pertussis booster (CDPH 8261 (03/11)),
4. Amends the reporting requirements of schools/child care facilities with respect to these changes in the requirements,
5. Adds new reporting form for the governing authorities with respect to reporting on pertussis (Tdap) immunizations for 7th through 12th grade for the year, and,
6. It also adds a sticker/form to be affixed to the pupil's California School Immunization Record (PM 286 S (01/11)).

Title 17  
California Code of Regulations  
AMEND: 6020, 6035, 6051, 6065, 6070, 6075  
Filed 12/15/2011  
Effective 12/28/2011  
Agency Contact: Coleen Keelan (916) 440-7439

File# 2011-1104-01  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Green Chemistry Hazard Traits

This rulemaking action implements a portion of Assembly Bill 504, Chapter 560 of 2008, by specifying four hazard traits (toxicological, environmental, exposure potential, and physical) of chemicals used in consumer products. These hazard trait data will be utilized by the California Department of Toxic Substances Control in the development of the Toxics Information Clearinghouse, a decentralized, Web-based system for the collection, maintenance, and distribution of specific chemical hazard trait and environmental and toxicological end-point data.

Title 22  
California Code of Regulations  
ADOPT: 69401, 69401.1, 69401.2, 69402, 69402.1, 69402.2, 69402.3, 69402.4, 69402.5, 69402.6, 69403, 69403.1, 69403.2, 69403.3, 69403.4, 69403.5, 69403.6, 69403.7, 69403.8, 69403.9, 69403.10, 69403.11, 69403.12, 69403.13, 69403.14, 69403.15, 69403.16, 69403.17, 69404, 69404.1, 69404.2, 69404.3, 69404.4, 69404.5, 69404.6, 69404.7, 69404.8, 69404.9, 69404.10, 69405, 69405.1, 69405.2, 69405.3, 69405.4, 69405.5, 69405.6, 69405.7, 69405.8, 69406, 69406.1, 69406.2, 69406.3, 69407, 69407.1, 69407.2  
Filed 12/20/2011  
Effective 01/19/2012  
Agency Contact: Monet Vela (916) 323-2517

File# 2011-1103-01  
SAN FRANCISCO BAY CONSERVATION AND  
DEVELOPMENT COMMISSION  
San Francisco Bay Plan

This regulatory action by the San Francisco Bay Conservation and Development Commission (BCDC) contains amendments to the San Francisco Bay Plan which were adopted under Resolution 11-08 on October 6, 2011. These amendments update Findings and Policies for various topics covered by the Bay Plan, including Tidal Marsh and Tidal Flats, Climate Change, Safety of Fills, Shoreline Protection, and Public Access.

Title 14  
California Code of Regulations  
AMEND: 11900  
Filed 12/20/2011  
Effective 12/20/2011  
Agency Contact:  
Jessica Davenport (415) 352-3660

File# 2011-1110-02  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998: Priority Funding Process

The State Allocation Board (SAB) submitted this timely Certificate of Compliance action to make permanent the amendments to the School Facility Program regulations that were adopted as an emergency in OAL File No. 2011-0719-04E. The emergency action amended two title 2 regulations, section 1859.90.2, which governs the process for priority funding of SAB-approved but unfunded school construction projects, and section 1859.81, which governs SAB funding of up to 100 per cent of a school district's share of new construction or modernization project costs, based on the school district's demonstration of financial hardship.

Title 2  
California Code of Regulations  
AMEND: 1859.90.2, 1859.81  
Filed 12/21/2011  
Agency Contact: Robert Young (916) 375-5939

File# 2011-1102-01  
STATE WATER RESOURCES CONTROL BOARD  
TMDL for Indicator Bacteria in the Santa Clara River

This action is SWRCB's approval of the Los Angeles Regional Water Quality Control Board's amendments of the Los Angeles Regional Basin Plan. On July 8, 2010, the Los Angeles Regional Water Quality Control Board adopted Resolution R10-006 amending the Water Quality Control Plan for the Los Angeles Region (Basin Plan) by establishing the Total Maximum Daily Load (TMDL) for indicator bacteria in the Santa Clara River Estuary and Reaches 3, 5, 6 and 7. The TMDL sets numeric targets for indicator bacteria based on numeric water quality objectives provided in the Basin Plan. The TMDL establishes final waste load allocations for point source discharges, final load allocations for nonpoint source discharges, and interim final load allocations for Storm Sewer System discharges. On October 4, 2011, the State Water Resources Control Board approved this amendment under Resolution No. 2011-0048.

Title 23  
California Code of Regulations  
ADOPT: 3939.40  
Filed 12/19/2011  
Effective 12/19/2011  
Agency Contact:  
Nick Martorano (213) 576-6694

File# 2011-1108-01  
STATE WATER RESOURCES CONTROL BOARD  
Central Coast BP Lower Salinas River Watershed Fecal  
Coliform TMDLs

This regulatory action amends the Basin Plan to establish a Total Maximum Daily Load (TMDL) and implementation plan for fecal coliform in the Lower Salinas River Watershed. The Central Coast Water Board adopted Resolution No. R3-2010-0017 on September 2, 2010. The State Water Resources Control Board approved the amendment with Resolution No. 2011-0040 on September 19, 2011.

Title 23  
California Code of Regulations  
ADOPT: 3929.8  
Filed 12/20/2011  
Effective 12/20/2011  
Agency Contact: Shanta Keeling (805) 549-3464

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN July 27, 2011 TO  
December 21, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

12/21/11 AMEND: 1859.90.2, 1859.81  
12/07/11 ADOPT: 18316.6, 18361.11 AMEND:  
18360, 18361, 18361.4  
11/22/11 AMEND: 559  
11/08/11 ADOPT: 18421.31  
10/27/11 AMEND: 18404.1  
10/26/11 ADOPT: 18237  
10/18/11 AMEND: 1859.166.2  
10/17/11 AMEND: 25001  
10/12/11 AMEND: 59690  
10/05/11 ADOPT: 649.21

09/27/11 ADOPT: 599.506(f) AMEND:  
599.502(f)  
09/21/11 AMEND: 1859.90.2  
09/08/11 AMEND: 1859.2, 1859.82  
09/07/11 ADOPT: 10000, 10001, 10002, 10003,  
10004, 10005, 10006, 10007, 10008,  
10009, 10010, 10011, 10012, 10013,  
10014, 10015, 10016, 10017, 10018,  
10019, 10020, 10021, 10022, 10023,  
10024, 10025, 10026, 10027, 10028,  
10029, 10030, 10031, 10032, 10033,  
10034, 10035, 10036, 10037, 10038,  
10039, 10040, 10041, 10042, 10043,  
10044, 10045, 10046, 10047, 10048,  
10049, 10050, 10051, 10052, 10053,  
10054, 10055, 10056, 10057, 10058,  
10059, 10060, 10061, 10062, 10063,  
10064, 10065, 10066  
09/06/11 AMEND: 29000  
09/01/11 ADOPT: 58600 REPEAL: 58600  
09/01/11 AMEND: 54200  
09/01/11 AMEND: 54600  
08/08/11 ADOPT: 59700  
07/27/11 AMEND: 1859.90.2, 1859.81

**Title 3**

12/20/11 AMEND: 3407(e)  
12/05/11 AMEND: 1408.6  
11/29/11 AMEND: 3591.15(a)  
11/14/11 AMEND: 3437(b)  
11/10/11 AMEND: 6000, 6361, 6400, 6460, 6464,  
6470, 6502, 6512, 6524, 6560, 6562,  
6564, 6625, 6626, 6625, 6632, 6728,  
6761, 6780  
11/10/11 AMEND: 3589(a)  
10/26/11 AMEND: 1430.142  
10/19/11 AMEND: 3423(b)  
10/12/11 AMEND: 3906  
10/10/11 ADOPT: 3591.25  
10/10/11 AMEND: 3423(b)  
09/29/11 AMEND: 3434(b)(8)  
09/28/11 AMEND: 3425(b)  
09/19/11 AMEND: 3423(b)  
09/15/11 AMEND: 3591.2(a)  
09/07/11 AMEND: 3591.2(a)  
08/23/11 ADOPT: 6131 AMEND: 6128, 6130  
08/23/11 ADOPT: 1392.4.1 AMEND: 1392,  
1392.1, 1392.2, 1392.4, 1392.6,  
1392.8.1, 1392.9, 1392.11  
08/03/11 AMEND: 3437(b)  
07/28/11 REPEAL: 1400.9.1

**Title 4**

12/21/11 ADOPT: 12349

12/09/11 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133

12/07/11 AMEND: 1433

12/05/11 AMEND: 10325(c)(8)

11/28/11 AMEND: 1632

11/07/11 AMEND: 8070, 8072, 8073, 8074

11/03/11 AMEND: 10152, 10153, 10154, 10155, 10157, 10159, 10160, 10161, 10162 REPEAL: 10156, 10158, 10164

10/04/11 AMEND: 1658

09/30/11 AMEND: 12100, 12101, 12200.3, 12200.5, 12200.6, 12200.9, 12200.10B, 12200.14, 12202, 12205.1, 12218, 12218.7, 12218.8, 12220.3, 12220.5, 12220.6, 12220.14, 12222, 12225.1, 12233, 12235, 12238, 12300, 12301.1, 12309, 12350, 12354, 12358, 12359, 12362, 12400, 12404, 12463, 12464

09/28/11 ADOPT: 8035.5

09/20/11 AMEND: 12590

09/07/11 ADOPT: 1500.1 AMEND: 1498

08/16/11 ADOPT: 8078.2 AMEND: 8070, 8072, 8073, 8074

08/10/11 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037

07/27/11 AMEND: 5064

**Title 5**

12/19/11 ADOPT: 30001.5

12/16/11 AMEND: 53309, 53310

12/14/11 AMEND: 55150, 55151, 55154, 55155 REPEAL: 55152, 55153

11/16/11 ADOPT: 11968.5.1, 11968.5.2, 11968.5.3, 11968.5.4, 11968.5.5 AMEND: 11960, 11965, 11969 (renumbered 11968.1), 11969.1

10/27/11 ADOPT: 4800, 4800.1, 4800.3, 4800.5, 4801, 4802, 4802.05, 4802.1, 4802.2, 4803, 4804, 4805, 4806, 4807, 4808

10/24/11 ADOPT: 11966.4, 11966.5, 11966.6, 11966.7 AMEND: 11967, 11967.5.1

10/18/11 ADOPT: 10120.1, 10121

09/22/11 ADOPT: 80069.2 AMEND: 80070

09/19/11 ADOPT: 30001.5

09/19/11 ADOPT: 74112, 75020, 75030, 75040, 75050, 75150, 75200, 75210 AMEND: 74110

08/15/11 ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846

08/15/11 ADOPT: 40050.2

08/15/11 ADOPT: 40050.3

08/15/11 AMEND: 40100.1

08/15/11 AMEND: 40404

08/15/11 AMEND: 40405.1

08/15/11 ADOPT: 40509

08/15/11 ADOPT: 40513

08/15/11 ADOPT: 40514

08/15/11 ADOPT: 40515

08/15/11 ADOPT: 40516

08/15/11 ADOPT: 41021

08/15/11 ADOPT: 41022

08/04/11 ADOPT: 1039.1

08/04/11 AMEND: 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.6

**Title 7**

08/16/11 AMEND: 218

**Title 8**

12/13/11 ADOPT: 8351, 8356, 8376.1, 8378.1, 8387, 8391.1, 8391.2, 8391.4, 8391.5, 8391.6, 8397.6 AMEND: 5194.1, 8354, 8376, 8378, 8384, 8391, 8391.3, 8397.2, 8397.3, 8397.4, 8397.5

12/12/11 AMEND: 1541.1

12/07/11 ADOPT: 16450, 16451, 16452, 16454, 16455 AMEND: 16423, 16433 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455

11/07/11 AMEND: 6051

10/27/11 ADOPT: 2320.10, 2940.10 AMEND: 1512, 3400

10/17/11 AMEND: 230.1(a)

10/17/11 ADOPT: 207.1 AMEND: 201, 202, 203, 207

09/19/11 AMEND: 15201, 15214, 15251, 15300, 15400.2, 15405, 15430.1, 15478, 15481, 15484

09/06/11 AMEND: 8608

08/29/11 AMEND: 1504, 3207

08/10/11 ADOPT: 3302 AMEND: 3308

08/05/11 ADOPT: 1603.1 AMEND: 1504, 1600, 1602, 1603

08/01/11 AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464

07/28/11 ADOPT: 6799.1 AMEND: 6755

**Title 9**

10/04/11 ADOPT: 7016.1, 7019.6, 7025.7, 7028.7, 7179.7 AMEND: 7098, 7179.1, 7181.1

08/08/11 ADOPT: 4500, 4510, 4520

**Title 10**

12/19/11 AMEND: 2498.5

12/19/11 AMEND: 2498.4.9

12/19/11 AMEND: 2498.6



12/09/11	AMEND: 2698.302	4970.10.1, 4970.10.2, 4970.10.3,
12/09/11	AMEND: 2699.301	4970.10.4, 4970.11, 4970.13, 4970.15.1,
11/21/11	ADOPT: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596	4970.15.2, 4970.19, 4970.19.1, 4970.23.1, 4970.23.2, 4970.24, 4970.25.2, 4970.25.3
10/20/11	AMEND: 2222.12	12/09/11 AMEND: 15062, 15075, 15094, Appendix D and Appendix E
09/26/11	ADOPT: 2785	12/08/11 AMEND: 632
09/26/11	ADOPT: 2830	12/07/11 AMEND: 870.17, 870.19
09/26/11	ADOPT: 2725.5, 2960, 2961, 2962, 2963 AMEND: 2930	11/22/11 AMEND: 791.7, 870.17
09/22/11	AMEND: 2318.6, 2353.1	11/17/11 AMEND: 163, 164
09/22/11	AMEND: 2318.6, 2353.1, 2354	11/15/11 AMEND: 700.4, 701, 705 REPEAL: 704
08/11/11	AMEND: 2731	10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15 REPEAL: 939.15
08/01/11	AMEND: 3012.3	10/05/11 AMEND: 913.4, 933.4, 953.4, 959.15 REPEAL: 939.15
07/27/11	AMEND: 2770.1, 2847.3	10/04/11 AMEND: 29.15
<b>Title 11</b>		09/28/11 AMEND: 11900
12/15/11	AMEND: 101.2	09/22/11 AMEND: 565, 565.4, 566, 566.1, 569, 570, 571, 572, 573, 576, 583, 593, 598.60, 599
12/08/11	ADOPT: 117.1	09/22/11 AMEND: 7.50(b)(1.5), 27.65, 29.80
11/14/11	AMEND: 1008	09/16/11 AMEND: 11900, 11970
11/01/11	AMEND: 1009	09/08/11 AMEND: 300, 311
10/25/11	AMEND: 1005, 1007, 1008	08/30/11 ADOPT: 3550.16
10/07/11	ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22	08/29/11 AMEND: 502
10/06/11	AMEND: 30.14	08/08/11 ADOPT: 1052.5 AMEND: 895, 916.9, 936.6, 956.9, 1052, 1052.1, 1052.2
10/06/11	ADOPT: 30.16	08/03/11 ADOPT: 1051.3, 1051.4, 1051.5, 1051.6, 1051.7 AMEND: 895
09/28/11	AMEND: 1081	<b>Title 15</b>
09/28/11	AMEND: 1005	
09/02/11	ADOPT: 101.2	12/20/11 AMEND: 3040.1, 3043, 3043.6, 3044, 3045.1
09/02/11	AMEND: 101.1	12/13/11 ADOPT: 3504.1, 3504.2
<b>Title 13</b>		12/09/11 AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323
12/14/11	AMEND: 2025	12/05/11 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757
12/14/11	AMEND: 2449, 2449.1, 2449.3 (renumbered to 2449.2), 2775, 2775.1, 2775.2 REPEAL: 2449.2	12/01/11 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
12/05/11	AMEND: 553.70	11/14/11 AMEND: 3341.5, 3375.2, 3377.1
11/22/11	AMEND: 1956.8	11/10/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4, 3359.5, 3359.6 AMEND: 3000
11/17/11	AMEND: 1233	10/25/11 ADOPT: 2240
11/09/11	AMEND: 2027	10/06/11 REPEAL: 3999.7
11/08/11	AMEND: 1	09/27/11 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
10/07/11	ADOPT: 345.03, 345.75, 345.76, 345.77	08/16/11 ADOPT: 3769, 3769.1, 3769.2, 3769.3, 3769.4, 3769.5, 3769.6
09/15/11	AMEND: 2190	
08/23/11	ADOPT: 345.00 AMEND: 345.02, 345.04, 345.15, 345.18, 345.20, 345.22, 345.23, 345.26	
08/16/11	AMEND: 1800	
<b>Title 13, 17</b>		
10/27/11	AMEND: 2299.2, 93118.2	
<b>Title 14</b>		
12/20/11	AMEND: 11900	
12/20/11	ADOPT: 4970.24.2 AMEND: 4970.00, 4970.01, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08,	



08/03/11 AMEND: 3000  
 07/28/11 ADOPT: 3084.8, 3084.9, 3086 AMEND:  
 3000, 3084, 3084.1, 3084.2, 3084.3,  
 3084.4, 3084.5, 3084.6, 3084.7, 3137,  
 3173.1, 3179, 3193, 3220.4, 3482, 3630,  
 3723 REPEAL: 3085

**Title 16**

12/12/11 AMEND: 1361  
 11/22/11 ADOPT: 858, 858.1, 858.2, 858.3, 858.4,  
 858.5, 858.6, 858.7, 858.8, 858.9  
 11/16/11 AMEND: 950.1, 950.4, 950.5 REPEAL:  
 962.3, 962.4, 962.5, 962.6  
 11/01/11 ADOPT: 3392.2.1, 3392.3.1, 3392.4,  
 3392.5.1, 3392.6.1 AMEND: 3340.1,  
 3340.16, 3340.16.5, 3340.41, 3392.1,  
 3392.2, 3392.3, 3392.5, 3392.6  
 10/25/11 REPEAL: 929  
 10/17/11 AMEND: 2300, 2302, 2303, 2304, 2311,  
 2315, 2320, 2321, 2322, 2324, 2326,  
 2326.1, 2327, 2328, 2328.1, 2329, 2330,  
 2331, 2332, 2336, 2337, 2338, 2339,  
 2340, 2351, 2370, 2380, 2381, 2382,  
 2383, 2384, 2385, 2386, 2387, 2388  
 10/12/11 ADOPT: 1070.6, 1070.7, 1070.8  
 AMEND: 1070, 1070.1, 1070.2, 1071  
 REPEAL: 1071.1  
 10/10/11 AMEND: 2450, 2451  
 10/06/11 ADOPT: 1399.507.5, 1399.523.5,  
 1399.527.5 AMEND: 1399.503,  
 1399.523  
 10/04/11 AMEND: 972  
 09/29/11 AMEND: 1398.26.1  
 09/27/11 ADOPT: 3394.40, 3394.41, 3394.42,  
 3394.43, 3394.44, 3394.45, 3394.46  
 09/22/11 AMEND: 1202, 1203, 1204, 1205, 1208,  
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 1258.3, 1267, 1268, 1269, 1271  
 REPEAL: 1280, 1281, 1282, 1283, 1284,  
 1285, 1286, 1287, 1288, 1289, 1290,  
 1291  
 09/22/11 AMEND: 109, 121  
 09/19/11 AMEND: 1715, 1735.2, 1751, 1784  
 09/13/11 AMEND: 3830  
 09/07/11 ADOPT: 319.1  
 09/01/11 AMEND: 1793.5  
 08/31/11 AMEND: 2411, 2414  
 08/24/11 AMEND: 1399.157, 1399.160.3,  
 1399.160.6  
 08/18/11 ADOPT: 1315.50, 1315.53, 1315.55  
 08/18/11 AMEND: 995  
 08/17/11 AMEND: 974

08/03/11 AMEND: 999  
 08/01/11 AMEND: 1327

**Title 17**

12/15/11 AMEND: 6020, 6035, 6051, 6065, 6070,  
 6075  
 12/14/11 ADOPT: 95116, 95117, 95118, 95119,  
 95120, 95121, 95122, 95123, 95129,  
 95150, 95151, 95152, 95153, 95154,  
 95155, 95156, 95157 AMEND: 95100,  
 95101, 95102, 95103, 95104, 95105,  
 95106, 95107, 95108, 95109, 95110,  
 95111, 95112, 95113, 95114, 95115,  
 95130, 95131, 95132, 95133 REPEAL:  
 95125  
 12/13/11 ADOPT: 95801, 95802, 95810, 95811,  
 95812, 95813, 95814, 95820, 95821,  
 95830, 95831, 95832, 95833, 95834,  
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 95852, 95852.1, 95852.1.1, 95852.2,  
 95853, 95854, 95855, 95856, 95857,  
 95858, 95870, 95890, 95891, 95892,  
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 95942, 95970, 95971, 95972, 95973,  
 95974, 95975, 95976, 95977, 95977.1,  
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 95981, 95981.1, 95982, 95983, 95984,  
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 12/12/11 ADOPT: 95312 AMEND: 95300, 95301,  
 95302, 95303, 95304, 95305, 95306,  
 95307, 95308, 95309, 95310, 95311  
 11/17/11 REPEAL: 901  
 11/10/11 AMEND: 94508, 94509, 94510, 94512,  
 94515  
 09/27/11 AMEND: 2505  
 09/23/11 AMEND: 6540  
 09/21/11 AMEND: 56034  
 09/19/11 AMEND: 54342, 57332  
 09/08/11 AMEND: 60201  
 08/29/11 ADOPT: 58883, 58884, 58886, 58887,  
 58888 AMEND: 50604, 54355, 58543

**Title 18**

10/10/11 AMEND: 3020, 3301, 4500, 4504, 4507,  
 4508, 4509, 4600, 4609, 4700  
 09/26/11 AMEND: 19591  
 09/26/11 AMEND: 1533.2, 1598  
 09/22/11 ADOPT: 25128.5  
 08/16/11 ADOPT: 1685.5

**Title 22**

12/20/11 ADOPT: 69401, 69401.1, 69401.2, 69402, 69402.1, 69402.2, 69402.3, 69402.4, 69402.5, 69402.6, 69403, 69403.1, 69403.2, 69403.3, 69403.4, 69403.5, 69403.6, 69403.7, 69403.8, 69403.9, 69403.10, 69403.11, 69403.12, 69403.13, 69403.14, 69403.15, 69403.16, 69403.17, 69404, 69404.1, 69404.2, 69404.3, 69404.4, 69404.5, 69404.6, 69404.7, 69404.8, 69404.9, 69404.10, 69405, 69405.1, 69405.2, 69405.3, 69405.4, 69405.5, 69405.6, 69405.7, 69405.8, 69406, 69406.1, 69406.2, 69406.3, 69407, 69407.1, 69407.2

12/06/11 AMEND: 40741

11/21/11 AMEND: 66260.11, 66260.12, 66262.53, 66262.56, 66263.32, 66264.12, 66264.71, 66264.72, 66265.12, 66265.71, 66265.72

09/29/11 AMEND: 72516, 73518

09/22/11 ADOPT: 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7 AMEND: 64418, 64418.1, 64418.2, 64418.7

09/16/11 ADOPT: 2706-8 AMEND: 2706-1, 2706-2

09/13/11 AMEND: 50605

08/23/11 AMEND: 97212, 97213, 97228, 97229, 97232, 97240, 97241, 97246, 97248

**Title 22/MPP**

11/10/11 AMEND: 35000, 35001, 35325, 35326, 35329, 35331, 35333, 35334, 35337, 35339, 35341, 35343, 35344, 35345, 35351, 35352, 35352.1, 35352.2, 45-801, 45-802, 45-803, 45-804, 45-805, 45-806, 45-807 REPEAL: 35327, 35347, 35352.3

09/29/11 AMEND: 86500, 86501

**Title 23**

12/20/11 ADOPT: 3929.8

12/19/11 ADOPT: 3939.40

11/03/11 ADOPT: 3949.8

11/01/11 AMEND: 3937

10/20/11 AMEND: 1062, 1064, 1066

10/19/11 ADOPT: 2200.7 AMEND: 2200, 2200.6

09/15/11 ADOPT: 3945.2

09/08/11 ADOPT: 3929.7

07/27/11 AMEND: 3939.19

**Title 25**

09/19/11 ADOPT: 4356.1, 4516.1, 4516.3, 4516.7, 4516.9, 4517.1, 4517.2, 4517.4, 4517.6, 4519.1, 4520, 4520.1, 4520.2, 4521, 4522.1, 4522.2, 4522.3, 4522.4, 4522.5, 4522.6, 4522.7, 4522.8, 4523, 4523.1, 4523.2, 4523.3, 4526 AMEND: 4000, 4004, 4005, 4010.5, 4019, 4350, 4353, 4356, 4358, 4358.3, 4363, 4365, 4368, 4369.5, 4380, 4381, 4383, 4387, 4389, 4391, 4394, 4396, 4397, 4402, 4404, 4414, 4415, 4473, 4495, 4514, 4515, 4516, 4516.5, 4517, 4517.3, 4517.5, 4518, 4519, 4522, 4525, 4527, 4528, 4529, 4530, 4531, 4532, 4533, 4534, 4876 REPEAL: 4354, 4357, 4357.5, 4359, 4360, 4360.2, 4360.4, 4360.6, 4360.7, 4360.8, 4361, 4361.3, 4362.5, 4363.3, 4363.4, 4363.6, 4364, 4369, 4370, 4371, 4372, 4374, 4376, 4379, 4384, 4385, 4407, 4409, 4420, 4421, 4422, 4423, 4424, 4425, 4426, 4428, 4429, 4430, 4431, 4434, 4435, 4436, 4437, 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4445, 4446, 4450, 4451, 4452, 4453, 4455, 4456, 4457, 4458, 4459, 4460, 4461, 4463, 4464, 4465, 4468, 4469, 4470, 4471, 4474, 4475, 4475.2, 4475.5, 4475.7, 4476, 4476.5, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4492, 4493, 4494, 4496, 4497, 4498, 4498.5, 4500, 4501.7, 4505, 4506, 4517.7, 4535, 4536

08/02/11 AMEND: 6932

**Title 27**

11/28/11 AMEND: 25903(c)

10/12/11 AMEND: 25703(a)(6)

09/26/11 AMEND: 25805

09/08/11 AMEND: 27000

**Title MPP**

10/31/11 AMEND: 31-502.42

10/24/11 AMEND: 44-111.61

07/28/11 AMEND: 63-402.22